

**ANTITRUST DIVISION  
U.S. DEPARTMENT OF JUSTICE**

**10-YEAR WORKLOAD STATISTICS REPORT  
FY 1990 - 1999**

The 10-year Workload Statistics Report of the Antitrust Division provides a general indication of the work pursued by the Division over the past 10 fiscal years. This is the first year in which the report has been posted to the Division's Internet (<http://www.usdoj.gov/atr>), a location where you will find it from now on. This Report tracks the Division's quantity of work. To get an idea of the substance and focus of the Division's work, these statistics should be reviewed in conjunction with the Annual Report which is also featured on the Division's Internet website.

Over the past few years, the Division has focused on issues associated with globalization, technological change, and deregulation. Most indicators in the report for FY 1990 - 1999 demonstrate consistently heavy and increasing workload. Some indicators have declined slightly in FY 1999, consistent with both the Division's narrowing of potential anticompetitive issues up-front and the need to address increasingly large and complex matters with constant Division staffing levels.

FY 1999 was record-breaking for the Antitrust Division. For example:

- C     Approximately \$1 billion in criminal fines was assessed, primarily from the prosecution of complex and harmful international cartels.
- C     The number of pending civil trials and the complexity of the issues and matters they involve was, and continues to be, unprecedented in the last 20 years.
- C     In the United States, the value of proposed merger transactions surpassed \$1.79 trillion, topping the \$1.6 trillion in announced U.S. transactions occurring in 1998, which itself represented a 78 percent increase over 1997. Between 1995 and 1999, the value of such transactions increased 257 percent.

The Workload Statistics Report, viewed in association with the Annual Report, provides a comprehensive view of the work of the Antitrust Division. Keeping the American marketplace competitive has never been as important as it is now, as we move into the 21<sup>st</sup> century and a global information-based economy.



**ANTITRUST DIVISION  
WORKLOAD STATISTICS  
FY 1990 - 1999**



INVESTIGATIONS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Total Investigations Initiated, by Primary Type of Conduct<sup>1</sup></b>										
Sherman §1 - Restraint of Trade	71	77	84	110	136	98	93	73	80	55
Sherman §2 - Monopoly	4	5	3	7	22	16	14	8	5	5
Clayton §7 - Mergers	93	92	84	102	102	134	237	276	228	230
Others	10	4	5	5	9	1	3	5	2	3
<b>Business Reviews</b>										
Requested	7	14	9	20	32	49	28	22	16	12
Closed	9	7	10	21	27	29	37	39	19	9
- Granted	2	1	6	14	24	17	15	32	12	7
- Denied	-	-	-	-	1	-	2	1	-	2
- Declined	4	1	1	2	1	1	2	5	-	-
- Withdrawn	3	5	3	5	1	11	18	1	7	-
Pending	12	19	18	17	22	42	33	16	18	20

<sup>1</sup> Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications. We have adjusted FY 1981 through FY 1990 records which previously counted investigations each time they went into a different phase. Matters are now counted only once, even if they go through several stages of investigation.

INVESTIGATIONS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>HSR Premerger Notifications</b>										
HSR Received	2,262	1,529	1,589	1,846	2,301	2,816	3,094	3,702	4,728	4,642
HSR Investigations Initiated	59	67	52	72	57	88	186	220	170	172
Number of Cases Filed	6	2	2	2	9	8	9	14	14	19
<b>Total Preliminary Inquiries -- Criminal, Civil Non-Merger, and Merger</b>										
Initiated	147	149	147	185	254	227	331	344	295	277
Cases Filed or Investigations Closed	135	146	144	200	224	258	295	323	282	283
Pending	123	126	129	114	144	113	149	170	172	147
<b>Total Number of CIDs Issued<sup>2</sup></b>	563	482	463	470	1,135	2,029	1,878	1,629	1,488	919
Documentary	61	21	26	45	206	197	365	290	268	78
Written	18	55	94	21	40	165	47	31	29	76
Oral	107	92	143	113	307	707	857	629	605	182
Documentary/Written <sup>3</sup>	377	314	200	291	582	960	609	679	586	583

<sup>2</sup> A very limited number of investigations with peculiar factual circumstances (e.g., large number of local markets at issue, large number of potentially competitive products, and the large volume of commerce involved) account for the large increase in the numbers of CIDs issued since 1994. For the vast majority of investigations, there was little or no increase in the use of CIDs.

<sup>3</sup> Combined document and written CIDs served to one person, corporation, partnership, or legal entity.

INVESTIGATIONS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Civil Investigations</b>										
<i>Merger Investigations</i>	97	96	87	109	105	134	237	277	230	229
HSR Investigations	59	67	52	72	57	88	186	220	176	172
- Merger Investigations (Second Requests)	32	34	22	32	25	56	102	120	102	64
Non-HSR Investigations	38	29	35	37	48	45	49	57	54	57
- Merger Investigations (CIDs Issued -- Non-HSR)	23	8	9	8	13	9	15	13	20	13
Merger CID's Issued <sup>4</sup>					358	741	762	1,141	876	690
<i>Non-Merger Investigations</i>	54	58	63	83	152	93	94	91	94	56
- Non-Merger Investigations (CIDs Issued) <sup>5</sup>	16	11	4	17	54	44	32	24	26	15
- Non-Merger CID's Issued					740	1,247	1,108	409	406	180
<b>Merger Investigation Results</b>										
- Actions Filed in District Court <sup>6</sup>	11	4	4	5	10	9	9	14	15	21
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	6	9	4	6	12	9	21	17	36	25
<i>Total Number of Public Challenges</i>	17	13	8	11	22	18	30	31	51	46
<b>Civil Non-Merger Investigation Results<sup>7</sup></b>										
- Actions Filed in District Court	-	-	-	-	-	10	15	20	5	7

<sup>4</sup> Some CIDs covered more than one investigation, and some CID's were issued for previously opened investigations; figures available from FY 1994.

<sup>5</sup> This statistic only includes first CID issued in an investigation.

<sup>6</sup> These statistics are the same as those reported under "District Court Antitrust Cases - "Merger Cases Filed" on page 6.

<sup>7</sup> Statistics for this section are available only from FY 1995.

INVESTIGATIONS AND CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Criminal Investigations</b>										
<i>Grand Jury Investigations</i>										
- Initiated	42	45	51	51	28	30	27	28	30	19
- Terminated <sup>8</sup>	62	34	57	62	62	45	32	20	17	28
- Pending	139	150	144	133	99	84	79	87	100	92
<b>Criminal Cases Filed</b>	75	81	78	84	57	60	42	38	62	57
- Individuals Charged	72	58	65	50	50	32	22	29	52	46
- Corporations Charged	88	70	64	62	55	40	41	24	19	17

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<sup>8</sup> Frequently, indictments are filed as a result of grand juries investigating bid-rigging or price-fixing but the grand juries themselves are still on-going and are not terminated.

<b>DISTRICT COURT ANTITRUST CASES</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
<b>Total Civil Cases</b>										
Filed	14	17	12	9	21	24	29	20	23	29
Terminated	9	21	13	14	10	22	22	24	26	21
Won	4	15	12	11	7	21	22	23	25	21
Lost	1	4	-	1	-	-	-	1	1	-
Dismissed	4	2	1	2	3	1	-	-	-	-
Pending	15	11	10	5	16	18	25	19	22	30
<b>Restraint of Trade- - Civil (Sherman §1)</b>										
Filed	2	2	3	2	8	12	14	3	4	5
Terminated	-	5	1	3	1	11	7	13	7	7
Won	-	4	1	3	1	11	7	13	7	7
Lost	-	1	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
<b>Monopoly -- Civil (Sherman §2)</b>										
Filed	-	-	1	-	1	1	2	1	3	2
Terminated	-	-	1	-	-	1	2	1	-	2
Won	-	-	1	-	-	-	2	1	-	2
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	1	-	-	-	-

DISTRICT COURT ANTITRUST CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Merger Cases (Clayton §7)</b>										
Filed	11	4	4	5	9	9	9	14	15	21
Terminated	7	10	5	8	7	7	8	9	17	9
Won	3	5	4	6	4	7	8	8	16	9
Lost	-	3	-	1	-	-	-	1	1	-
Dismissed	4	2	1	1	3	-	-	-	-	-
<b>Damage Actions -- Civil</b>										
Filed	1	1	1 <sup>9</sup>	-	1	-	-	-	-	-
Terminated	-	1	1	-	1	-	-	-	-	-
Won	-	1	1	-	1	-	-	-	-	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
<b>Other Civil</b>										
Filed	-	10	4	2	2	2	4	2	1	2
Terminated	2	5	6	3	1	3	5	1	2	3
Won	1	5	6	2	1	3	5	1	2	3
Lost	1	-	-	1	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-

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<sup>9</sup> This is the same case counted under "Monopoly -- Civil" above. The case was a violation of Section 2, but the settlement also included damages which the defendants paid.

DISTRICT COURT ANTITRUST CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Total Criminal Cases</b>										
Filed	75	81	78	84	57	60	42	38	62	57
Won	73	66	101	73	51	65	38	40	64	48
Lost	5	4	5	3	4	2	5	1	1	2
Pending <sup>10</sup>										57
Appeal Decisions	9	8	15	7	9	7	6	4	6	-
<b>Restraint of Trade - Criminal (Sherman §1)</b>										
Filed	66	75	70	78	52	49	39	32	57	53
Won	67	61	92	68	46	58	31	35	59	45
Lost	5	4	4	2	4	2	4	1	1	2
Pending <sup>11</sup>										54
<b>Criminal Cases Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements</b>										
Filed	9	6	8	5	5	11	3	6	5	4
Won	6	5	9	5	5	7	7	5	5	3
Lost	-	-	1	1	-	-	1	-	-	-
Pending <sup>12</sup>									1	3

<sup>10</sup> This is a new statistic as of the FY 1999 Workload Statistics report.

<sup>11</sup> This is a new statistic as of the FY 1999 Workload Statistics report.

<sup>12</sup> This is a new statistic as of the FY 1999 Workload Statistics report.



<b>APPELLATE CASES</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
<b>Antitrust Division Cases, <i>Court of Appeals</i></b>										
Filed	10	18	18	19	10	20	17	14	23	10
Terminated	19	9	17	13	13	11	13	12	12	6
Won	15	8	14	8	11	8	8	9	9	4
Lost	4	1	3	3	2	3	-	-	3	2
Dismissed	-	-	-	2	-	-	5	3	-	-
<b>Antitrust Division Cases, <i>Supreme Court</i></b>										
Filed	3	3	2	4	4	1	-	2	2	1
Terminated	-	7	-	4	-	3	4	1	-	1
Won	-	7	-	3	-	2	-	1	-	1
Lost	-	-	-	1	-	1	-	-	-	-
Dismissed	-	-	-	-	-	-	4	-	-	-
<b>Amicus Cases, <i>Court of Appeals</i></b>										
Filed	1	-	1	-	2	4	6	3	3	-
Terminated	1	1	-	1	-	4	4	7	2	1
Won	-	1	-	1	-	1	2	6	1	1
Lost	1	-	-	-	-	3	2	-	1	-
Dismissed	-	-	-	-	-	-	-	1	-	-

APPELLATE CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Amicus Cases, Supreme Court</b>										
Filed	4	4	5	-	1	1	3	2	4	1
Terminated	4	5	1	4	1	1	3	1	4	-
Won	3	3	1	4	-	1	1	1	3	-
Lost	1	2	-	-	-	-	2	-	1	-
Dismissed	-	-	-	-	1	-	-	-	-	-
<b>Other Agencies' Cases (Administrative Law Cases), Court of Appeals</b>										
Filed	79	103	113	134	159	130	111	211	428	113
Terminated	103	93	56	106	38	121	99	63	52	110
Won	66	47	21	55	15	68	30	23	20	47
Lost	13	14	7	16	5	11	10	7	7	8
Dismissed	24	32	28	35	18	42	59	33	25	55
<b>Other Agencies' Cases, Supreme Court</b>										
Filed	7	7	4	-	-	-	5	1	10	7
Terminated	4	6	3	3	1	-	4	-	-	4
Won	3	6	3	2	1	-	2	-	-	3
Lost	1	-	-	-	-	-	2	-	-	1
Dismissed	-	-	-	1	-	-	-	-	-	-

<b>JUDGMENT ENFORCEMENT<sup>13</sup></b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Divestitures	4	2	2	3	1	4	6	13	9	20
Compliance Reports <sup>14</sup>	104	82	94	83	79	71	65	60	NA	NA
Decrees Modified/Terminated	6	4	3	3	9	5	6	1	4	3
Contempt Cases	-	-	-	-	-	1	1	-	1	3
Modification/Termination Investigations <sup>15</sup>										
- Initiated	6	6	6	2	1	-	5	5	6	11
- Terminated	8	5	2	5	9	4	4	3	4	3
- Pending	16	17	21	18	10	6	7	9	13	20

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<sup>13</sup> This category of statistics does not include activity concerning the enforcement of the modified final judgement in the AT&T case.

<sup>14</sup> This data was not available for FY 1998 or FY 1999.

<sup>15</sup> These are investigations to determine whether a judgment should be modified or terminated.

<b>CASE RESULTS<sup>16</sup></b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
<b>Fines Imposed<sup>17</sup></b>										
Total Individual Fines (\$000)	917	2,806	1,275	1,868	1,240	1,211	1,572	1,247	2,499	12,273
- Number of Individuals Fined	30	37	27	45	33	25	16	17	20	50
Total Corporate Fines (\$000)	22,658	17,573	22,430	40,427	38,996	40,222	25,245	203,931	241,645	959,866
- Number of Corporations Fined	73	55	45	64	59	32	31	30	18	25
Total Fines Imposed (\$000)	23,575	20,379	23,705	42,295	40,236	41,433	26,817	205,178	244,144	972,138
<b>Restitution Imposed in Connection with Criminal Cases<sup>18</sup></b>										
<b>(\$000)</b>	5,670	3,185	3,550	950	4,220	1,200	799	275	4,250	2,343
- Number of Defendants	24	16	15	16	4	7	5	2	3	12
<b>HSR Penalties (\$000)</b>	275	6,775	2,000	1,976	2,600	425	7,650	5,796	500	3,285
- Number of Corporations	1	9	3	-	1	-	4	3	2	4
- Number of Individuals	-	-	-	1	-	1	-	1	-	1

<sup>16</sup> Dollar figures are amounts imposed by the court during the fiscal year.

<sup>17</sup> Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

<sup>18</sup> Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Incarceration</b>										
Number of Individuals Sentenced	42	50	29	56	40	27	19	17	16	56
Number of Individuals Sentenced to Incarceration Time	17	22	11	14	9	16	5	3	5	30
Total Number of Actual Days of Incarceration Imposed by the Court	2,739	6,594	2,488	4,726	1,497	3,902	2,431	789	1,301	8,102
<b>Other Confinement<sup>19</sup></b>										
Individuals Sentenced to Other Confinement	7	16	15	26	22	16	8	9	10	25
Number of Other Confinement Days	632	1,519	1,734	3,552	2,475	2,933	1,148	1,270	1,530	2,850

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<sup>19</sup> Includes house arrest or confinement to a halfway house or community treatment center.

<b>PARTICIPATION IN BANK MERGER PROCEEDINGS</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Total Screenings	1,626	1,598	1,539	1,873	1,927	1,897	1,788	1,850	1,923	1,698
Screenings Requiring Competitive Analysis <sup>20</sup>	1,138	1,117	1,141	1,201	1,177	1,211	1,231	1,197	1,225	1,109

<b>ADVICE TO FOREIGN GOVERNMENTS</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Notifications to Foreign Gov'ts. and International Organizations	74	63	53	53	60	76	73	77	96	93
Representation at/Negotiations with Foreign Gov'ts. and Int'l. Orgs.	24	26	43	18	44	40	42	47	50	55
Applications for Export Trade Certificates	11	7	10	8	6	7	5	4	3	5
- Certificates Issued	11	8	9	6	7	6	3	4	3	3

<sup>20</sup> To provide a more valid measure of the Division's bank merger review workload, this measure was initiated in FY 1989.

<b>FILINGS IN REGULATORY AGENCY PROCEEDINGS<sup>21</sup></b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Department of Transportation	3	4	6	2	-	3	-	-	2	-
Federal Energy Regulatory Commission	22	3	9	4	1	2	-	-	-	1
Securities and Exchange Commission	-	1	-	-	-	2	1	-	1	-
Federal Communications Commission	7	7	5	2	2	1	8	5	6	-
Federal Maritime Commission	-	8	10	2	2	1	-	-	-	-
Interstate Commerce Commission	14	3	9	4	1	4	-	-	-	-
Other	8	7	9	6	4	1	1	3	2	-
<b>Total</b>	<b>54</b>	<b>33</b>	<b>48</b>	<b>20</b>	<b>10</b>	<b>14</b>	<b>10</b>	<b>8</b>	<b>11</b>	<b>1</b>

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<sup>21</sup> These statistics may include counts of multiple filings for one proceeding.

<b>OTHER ANTITRUST ACTIONS</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
4F (Hart-Scott-Rodino) Information	9	7	16	14	5	11	21	9	2	2
Advice on Surplus Property	-	1	5	1	-	1	-	-	-	5
Meetings of Interagency Task Forces/Committees <sup>22</sup>	22	35	57	99	54	56	13	41	28	35
Congressional Appearances	5	8	7	1	10	7	5	4	10	11
Cong/OMB Requests for Comments	426	757	827	497	782	514	675	579	779	629
White House Referrals	222	154	278	293	411	450	325	137	722	196
Congressional Correspondence	456	305	317	275	422	586	365	435	581	628
Statutory Reports	54	62	52	88	37	77	-	3	-	5
Joint Research & Development Filings	49	56	58	78	74	109	83	56	38	61
FOIA Requests	273	278	482	357	313	368	335	226	276	247
Privacy Act Requests	15	18	7	4	2	5	8	17	6	3

Soft Solutions #4504.wpd

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<sup>22</sup> These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.